

PUBLIC NOTICE OF DRAFT DISCHARGE PERMIT  
PERMIT NUMBER ARS000002, AFIN 60-00408

This is to give notice that the Permits Branch of the Water Division of the Arkansas Department of Environmental Quality (ADEQ), 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317 at telephone number (501) 682-0623, proposes a draft renewal of the permit for which an application was received for the following applicant under the National Pollutant Discharge Elimination System (NPDES) and the Arkansas Water and Air Pollution Control Act.

City of Little Rock  
701 West Markham  
Little Rock, Arkansas 72201

Arkansas State Highway &  
Transportation Department  
P.O. Box 2261  
Little Rock, AR 72203-2261

The discharges under this permit are made into various tributaries, thence into the Rock Creek and Fourche Creek, thence into Fourche Creek, thence into the Arkansas River in Segment 3C of the Arkansas River Basin. The receiving stream is a Water of the State classified for raw water source for public, industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses. The discharges are located on waters as follows: all portions of the City of Little Rock's Municipal Separate Storm Sewer System owned or operated by any co-permittee listed above in Pulaski County, Arkansas. The representative outfalls are located at the following coordinates:

Outfall 001: Latitude: 34° 44' 30"; Longitude: 92° 20' 30"  
Outfall 002: Latitude: 34° 43' 30"; Longitude: 92° 21' 30"  
Outfall 003: Latitude: 34° 45' 15"; Longitude: 92° 26' 00"  
Outfall 005: Latitude: 34° 44' 00"; Longitude: 92° 14' 30"  
Outfall 006: Latitude: 34° 42' 00"; Longitude: 92° 15' 36"

A fact sheet is available upon request. The applicants are a municipality and a large state agency which have storm water collection systems.

ADEQ's contact person for submitting written comments, requesting information regarding the draft permit, or obtaining copy of the permit and the Fact Sheet is Jamal Solaimanian, at the above address and telephone number or by email at [Water-Draft-Permit-Comment@adeq.state.ar.us](mailto:Water-Draft-Permit-Comment@adeq.state.ar.us). For those with Internet access, a copy of the proposed draft permit as well as the publication date may be found (by entering permit number ARS000002) on the ADEQ's website at:

[http://www.adeq.state.ar.us/water/branch\\_permits/individual\\_permits/pn\\_permits/pnpermits.asp](http://www.adeq.state.ar.us/water/branch_permits/individual_permits/pn_permits/pnpermits.asp).

The public comment period will begin on the date of publication, October 5, 2011 and will end on November 4, 2011 at 4:30 p.m. The permit will become effective approximately two weeks after the close of the comment period unless comments are received and/or a public hearing is requested prior to the close of the comment period requiring a delay of the effective date. Comments and public hearing procedures may be found at 40 CFR Parts 124.10 through 124.12 and APCEC Regulation No. 8 (Administrative Procedures). All persons, including the permittee, who wish to comment on ADEQ's draft permitting decision, must submit written comments to ADEQ, along with their name and mailing address. After the public comment period, and public hearing, if one is held, ADEQ will issue a final permitting decision. A Public Hearing will be held when ADEQ finds a significant degree of public interest. ADEQ will notify the applicant and each person who has submitted written comments or requested notice of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by ADEQ in accordance with the APCEC Regulation No. 8.

DRAFT

Permit number: ARS000002

**AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT**

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.),

City of Little Rock  
701 West Markham  
Little Rock, AR 72201

Arkansas State Highway &  
Transportation Department  
P.O. Box 2261  
Little Rock, AR 72203-2261

are authorized to discharge

From all portions of the municipal separate storm sewer system (MS4) within the city boundaries of Little Rock, Arkansas, and owned or operated by any co-permittee listed above.

to receiving waters named:

various tributaries, then to the Arkansas River in segment 3C of the Arkansas River Basin.

The representative outfalls for sampling purposes are located at the following coordinates:

- Outfall 001: Latitude: 34° 44' 30"; Longitude: 92° 20' 30"
- Outfall 002: Latitude: 34° 43' 30"; Longitude: 92° 21' 30"
- Outfall 003: Latitude: 34° 45' 15"; Longitude: 92° 26' 00"
- Outfall 005: Latitude: 34° 44' 00"; Longitude: 92° 14' 30"
- Outfall 006: Latitude: 34° 42' 00"; Longitude: 92° 15' 36"

in accordance with monitoring requirements and other conditions set forth in this permit.

Effective Date:

Expiration Date:

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Steven L. Drown  
Chief, Water Division  
Arkansas Department of Environmental Quality

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Issue Date

PART 1  
PERMIT REQUIREMENTS

**SECTION A: PARAMETERS AND MONITORING REQUIREMENTS:** OUTFALL 001- stormwater runoff

During the period beginning on the effective date and lasting through date of expiration, the co-permittees shall monitor discharges from outfall serial number 001. Such discharges shall be monitored by the co-permittees as specified below:

Parameters	Limitations		Monitoring Requirement	
	Average	Maximum	Sample Type	Monitoring Frequency
Flow (MGD)	REPORT	REPORT	Calculated <sup>2</sup>	Quarterly <sup>1</sup>
Biochemical Oxygen Demand (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Suspended Solids (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Dissolved Solids (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Nitrate+Nitrite Nitrogen (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Dissolved Phosphorus (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Oil & Grease (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Cadmium (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Copper (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Lead (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Zinc (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Silver (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Hardness (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
E. Coli Bacteria (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Enterococcus Fecal (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
pH (s.u.)	6.0 Minimum	9.0 Maximum	Grab	Quarterly <sup>1</sup>

1 Quarterly Monitoring periods are June 1-August 31, September 1-November 30, December 1-February 28, and March 1-May 31.

2 Calculate Flow: the flow is calculated using the cross sectional area multiplied by the velocity of the water.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at outfall 001 (monitoring location at University Ave. and I-630).

PART I  
PERMIT REQUIREMENTS

**SECTION A: PARAMETERS AND MONITORING REQUIREMENTS:** OUTFALL 002- stormwater runoff

During the period beginning on the effective date and lasting through date of expiration, the co-permittees shall monitor discharges from outfall serial number 002. Such discharges shall be monitored by the co-permittees as specified below:

Parameters	Limitations		Monitoring Requirement	
	Average	Maximum	Sample Type	Monitoring Frequency
Flow (MGD)	REPORT	REPORT	Calculated <sup>2</sup>	Quarterly <sup>1</sup>
Biochemical Oxygen Demand (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Suspended Solids (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Dissolved Solids (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Nitrate+Nitrite Nitrogen (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Dissolved Phosphorus (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Oil & Grease (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Cadmium (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Copper (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Lead (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Zinc (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Silver (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Hardness (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
E. Coli Bacteria (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Enterococcus Fecal (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
pH (s.u.)	6.0 Minimum	9.0 Maximum	Grab	Quarterly <sup>1</sup>

1 Quarterly Monitoring periods are June 1-August 31, September 1-November 30, December 1-February 28, and March 1-May 31.

2 Calculate Flow: the flow is calculated using the cross sectional area multiplied by the velocity of the water.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at outfall 002 (monitoring location at 33rd Street and Whitfield Street).

PART I  
PERMIT REQUIREMENTS

**SECTION A: PARAMETERS AND MONITORING REQUIREMENTS:** OUTFALL 003- stormwater runoff

During the period beginning on the effective date and lasting through date of expiration, the co-permittees shall monitor discharges from outfall serial number 003. Such discharges shall be monitored by the co-permittees as specified below:

Parameters	Limitations		Monitoring Requirement	
	Average	Maximum	Sample Type	Monitoring Frequency
Flow (MGD)	REPORT	REPORT	Calculated <sup>2</sup>	Quarterly <sup>1</sup>
Biochemical Oxygen Demand (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Suspended Solids (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Dissolved Solids (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Nitrate+Nitrite Nitrogen (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Dissolved Phosphorus (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Oil & Grease (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Cadmium (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Copper (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Lead (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Zinc (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Silver (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Hardness (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
E. Coli Bacteria (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Enterococcus Fecal (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
pH (s.u.)	6.0 Minimum	9.0 Maximum	Grab	Quarterly <sup>1</sup>

1 Quarterly Monitoring periods are June 1-August 31, September 1-November 30, December 1-February 28, and March 1-May 31.

2 Calculate Flow: the flow is calculated using the cross sectional area multiplied by the velocity of the water.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall 003 (monitoring location at Chenal Parkway and Oak Meadow Street).

PART I  
PERMIT REQUIREMENTS

**SECTION A: PARAMETERS AND MONITORING REQUIREMENTS:** OUTFALL 005- stormwater runoff

During the period beginning on the effective date and lasting through date of expiration, the co-permittees shall monitor discharges from outfall serial number 005. Such discharges shall be limited and monitored by the co-permittees as specified below:

Parameters	Limitations		Monitoring Requirement	
	Average	Maximum	Sample Type	Monitoring Frequency
Flow (MGD)	REPORT	REPORT	Calculated <sup>2</sup>	Quarterly <sup>1</sup>
Biochemical Oxygen Demand (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Suspended Solids (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Dissolved Solids (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Nitrate+Nitrite Nitrogen (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Dissolved Phosphorus (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Oil & Grease (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Cadmium (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Copper (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Lead (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Zinc (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Silver (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Hardness (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
E. Coli Bacteria (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Enterococcus Fecal (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
pH (s.u.)	6.0 Minimum	9.0 Maximum	Grab	Quarterly <sup>1</sup>

1 Quarterly Monitoring periods are June 1-August 31, September 1-November 30, December 1-February 28, and March 1-May 31.

2 Calculate Flow: the flow is calculated using the cross sectional area multiplied by the velocity of the water.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall 005 (monitoring location at 14<sup>th</sup> Street and Bond Street).

PART I  
PERMIT REQUIREMENTS

**SECTION A: PARAMETERS AND MONITORING REQUIREMENTS:** OUTFALL 006- stormwater runoff

During the period beginning on the effective date and lasting through date of expiration, the co-permittees shall monitor discharges from outfall serial number 006. Such discharges shall be limited and monitored by the co-permittees as specified below:

Parameters	Limitations		Monitoring Requirement	
	Average	Maximum	Sample Type	Monitoring Frequency
Flow (MGD)	REPORT	REPORT	Calculated <sup>2</sup>	Quarterly <sup>1</sup>
Biochemical Oxygen Demand (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Suspended Solids (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Dissolved Solids (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Nitrate+Nitrite Nitrogen (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Dissolved Phosphorus (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Oil & Grease (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Cadmium (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Copper (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Lead (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Zinc (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Total Silver (ug/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Hardness (mg/l)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
E. Coli Bacteria (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
Enterococcus Fecal (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly <sup>1</sup>
pH (s.u.)	6.0 Minimum	9.0 Maximum	Grab	Quarterly <sup>1</sup>

<sup>1</sup> Quarterly Monitoring periods are June 1-August 31, September 1-November 30, December 1-February 28, and March 1-May 31.

<sup>2</sup> Calculate Flow: the flow is calculated using the cross sectional area multiplied by the velocity of the water.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall 006 (monitoring location at Gillam Park Road).

**Part 2**  
**Schedule of Compliance**

The co-permittees shall achieve compliance with permit conditions specified for discharges in accordance with the following schedule:

- 2.1 The co-permittees shall submit an updated Stormwater Quality Management Program (SWQMP) no later than January 1, 2012.
- 2.2 The 2011 annual report shall contain information on the current capacity of the ponds as discussed in Part 6.2.1.2 as well as include the original capacity of the ponds.
- 2.3 The City of Little Rock shall submit a quarterly report that includes the items required in Part 6.2.9.7.
- 2.4 The co-permittees shall submit an annual report as discussed in Part 6.4.



### **Part 3 General Conditions**

#### **3.1 Duty to Comply**

The co-permittees must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application. **Any values reported in the required Discharge Monitoring Report which are in excess of an effluent limitation specified in Part 1 shall constitute evidence of violation of such effluent limitation and of this permit.**

#### **3.2 Penalties for Violations of Permit Conditions**

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty-five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

#### **3.3 Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to the following:

- 3.3.1 Violation of any terms or conditions of this permit; or
- 3.3.2 Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- 3.3.3 A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- 3.3.4 A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- 3.3.5 Failure of the co-permittees to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by condition 3.10 herein.

The filing of a request by the co-permittees for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

#### **3.4 Toxic Pollutants**

Notwithstanding Part 3.3., if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas) or

Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the co-permittees so notified.

The co-permittees shall comply with effluent standards, narrative criteria, or prohibitions established under Regulation No. 2 (Arkansas Water Quality Standards), as amended, or Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

### 3.5 **Civil and Criminal Liability**

Nothing in this permit shall be construed to relieve the co-permittees from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statutes or regulations which defeats the regulatory purposes of the permit may subject the co-permittees to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

### 3.6 **Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the co-permittees from any responsibilities, liabilities, or penalties to which the co-permittees are or may be subject under Section 311 of the Clean Water Act.

### 3.7 **State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the co-permittees from any responsibilities, liabilities or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

### 3.8 **Property Rights**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

### 3.9 **Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### 3.10 **Permit Fees**

The co-permittees shall comply with all applicable permit fee requirements for stormwater discharge permits as described in APCEC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR 122.64 and 124.5 (d), as adopted in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

3.11 **Removed Substances**

Solids or other pollutants removed by stormwater controls shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the state. Disposal must be in accordance with the stormwater quality management program.

3.12 **Applicable Federal, State & Local Requirements**

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal such as endangered species, state or local statute, ordinance or regulation.

3.13 **Reopen Permit**

In accordance with 40 CFR Parts 122.62 (a)(2) and 124.5, this permit may be reopened for modification or revocation and/or reissuance to require additional monitoring and/or effluent limitations when new information is received that actual or potential exceedance of State water quality criteria and/or narrative criteria are determined to be the result of the permittee's discharge(s) to a relevant water body or a Total Maximum Daily Load (TMDL) is established or revised for the water body that was not available at the time of the permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

## **Part 4 Monitoring and Records**

### **4.1 Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharges shall be monitored.

### **4.2 Calculated Flow Measurement**

Appropriate flow measurement devices and/or methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be calibrated and maintained to insure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge. The devices and/or methods used to measure the flow must be included in detail in the permittee's Management Plan.

### **4.3 Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The co-permittees shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure that both calibration and maintenance activities will be conducted. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the co-permittees or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.

### **4.4 Penalties for Tampering**

The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars (\$10,000) or by both such fine and imprisonment.

#### 4.5 **Reporting of Monitoring Results**

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form. Co-permittees are required to use preprinted DMR forms provided by ADEQ, unless specific written authorization to use other reporting forms is obtained from ADEQ. Monitoring results obtained during the previous calendar month shall be summarized and reported on a DMR form postmarked no later than the 25<sup>th</sup> day of the month, following the completed reporting period to begin on the effective date of the permit. Duplicate copies of DMR's signed and certified as required by Part 5.8 and all other reports required by Part 5 (Reporting Requirements), shall be submitted to the Director at the following address:

Enforcement Branch  
Water Division  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

If co-permittees use outside laboratory facilities for sampling and/or analysis, the name and address of the contract laboratory shall be included on the DMR.

#### 4.6 **Additional Monitoring by the Co-permittees**

If the co-permittees monitor any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated on the DMR.

#### 4.7 **Retention of Records**

The co-permittees shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

#### 4.8 **Record Contents**

Records and monitoring information shall include:

- 4.8.1 The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
- 4.8.2 The individuals(s) who performed the sampling or measurements;
- 4.8.3 The date(s) analyses were formed;
- 4.8.4 The individual(s) who performed the analyses;

- 4.8.5 The analytical techniques or methods used; and
- 4.8.6 The measurements and results of such analyses.

4.9 **Inspection and Entry**

The co-permittees shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- 4.9.1. Enter upon the co-permittees' premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- 4.9.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 4.9.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
- 4.9.4. Sample, inspect or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

## **Part 5 Reporting Requirements**

### **5.1 Anticipated Noncompliance**

The co-permittees shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

### **5.2 Transfers**

The permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and re-issuance of the permit to change the name of the co-permittees and incorporate such other requirements as may be necessary under the Act.

### **5.3 Monitoring Reports**

Monitoring results shall be reported at the intervals and in the form specified in Part 4.5 (Reporting). **Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.**

### **5.4 Twenty-four Hour Report**

5.4.1 The co-permittees shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the co-permittees becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the co-permittees becomes aware of the circumstances. The written submission shall contain the following information:

- 5.4.1.1 a description of the noncompliance and its cause;
- 5.4.1.2 the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- 5.4.1.3 steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

5.4.2 The following shall be included as information which must be reported within 24 hours: Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours.

5.4.3 The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

### **5.5 Other Noncompliance**

The co-permittees shall report all instances of noncompliance not reported under Part 5.3 and 5.4 at the time monitoring reports are submitted. The reports shall contain the information listed at Part 5.4.

## 5.6 **Duty to Provide Information**

The co-permittees shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The co-permittees shall also furnish to the Director, upon request, copies of records required to be kept by this permit. Information shall be submitted in the form, manner and time frame requested by the Director.

## 5.7 **Duty to reapply**

If the co-permittees wish to continue an activity regulated by this permit after the expiration date of this permit, the co-permittees must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated in APCEC Regulation No. 6.

## 5.8 **Signatory Requirements**

All applications, reports or information submitted to the Director shall be signed and certified.

### 5.8.1 All permit applications shall be signed as follows:

For a municipality, State, Federal, or other public agency; by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

5.8.1.1 The chief executive officer of the agency, or

5.8.1.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

### 5.8.2 All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

5.8.2.1 The authorization is made in writing by a person described above.

5.8.2.2 The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

5.8.2.3 The written authorization is submitted to the Director.



5.8.3 Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

5.9 **Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2 and Regulation 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or co-permittee, permit applications, permits and effluent data shall not be considered confidential.

5.10 **Penalties for Falsification of Reports**

The Arkansas Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part 3.2 and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

## **Part 6 Other Conditions**

- 6.1 Pollution Prevention Requirements - The co-permittees shall develop, implement, and maintain a Stormwater Quality Management Program (SWQMP) and incorporate the following pollution prevention measures (PPMs):
- 6.1.1 The co-permittees shall ensure the establishment or availability of a program to collect used motor vehicle fluids for recycle or proper disposal. The program will identify locations where used vehicle fluids may be taken for recycling or disposal in accordance with state requirements. The City of Little Rock will publicize on a quarterly basis at a minimum, materials which can be recycled or disposed, times available to the public for using the facilities, and locations. The annual report shall include the amount of materials collected (weight or volume), the amount of money used for advertising, the method of advertising used to inform the public, and the overall cost of the program.
  - 6.1.2 The City of Little Rock shall ensure the establishment or availability of a program to collect household hazardous waste materials for recycle, reuse, or proper disposal. The City of Little Rock will be responsible for publicizing this program on a quarterly basis, at a minimum. The amount of materials collected (weight or volume), the amount of money used for advertising, the method of advertising used to inform the public, and the overall cost of the program will be included in the annual report.
  - 6.1.3 Each co-permittee shall ensure the establishment of a program, including structural controls where determined by the co-permittees to be necessary, to reduce the discharge of floatables to the maximum extent practicable (MEP). The City of Little Rock will publicize on public television or local cable government access channel on a quarterly basis, at a minimum, an announcement describing the need to improve stormwater runoff quality, how citizens can reduce the floatables and other pollutants discharged to the municipal storm sewer.
- 6.2 SWQMP System-Wide Requirements. The co-permittees shall operate a SWQMP in accordance with Section 402 (p)(3)(B) of the Clean Water Act, the Stormwater Regulations (40 CFR Part 122.26) and the approved SWQMPs submitted by the co-permittees. Controls and activities identified in the SWQMPs shall clearly identify areas of applicability on a system, jurisdiction, or specific area basis. The SWQMP shall include controls necessary to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP) and protect water quality. Controls may consist of a combination of best management practices, control techniques, system design and engineering methods, and such other provisions as the co-permittees or the State determines appropriate. The SWQMP shall be updated as necessary to ensure conformance with this statutory requirement of Clean Water Act 402 (p)(3)(B). The SWQMP, and all approved updates, are hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:
- 6.2.1 Structural Controls: Each co-permittee shall operate and maintain any stormwater structural controls over which it has jurisdiction, in a manner so as to reduce the discharge of pollutants to the MEP. The co-permittees shall inspect the drainage system by the following schedule:

- 6.2.1.1 Arkansas State Highway and Transportation Department will inspect the drainage system for which it is responsible at least once/month. The inspections should include a schedule of maintenance for correcting deficiencies in the system.
- 6.2.1.2 The City of Little Rock will inspect 20 percent of the drainage system each year. The drainage system consists of curb and guttering, piping, and open ditches in the City of Little Rock right-of-way and public easements. Areas with recurring drainage problems shall be inspected more frequently. The City of Little Rock will also maintain and clean the ponds along Coleman Creek and within War Memorial Park. These ponds should be inspected twice per year.
- 6.2.1.3 The annual report submitted to the Department shall include a summary of any maintenance activities that are required and completed during the reporting cycle as well as the status of both co-permittees' drainage systems. The 2011 annual report shall contain information on the current capacity of the ponds as well as include the original capacity of the ponds discussed in 6.2.1.2. If during the 2011 annual report review, it is determined that the ponds are at less than 70% design capacity, the City of Little Rock must clean the ponds to ensure that the ponds maintain at least a 70% capacity.
- 6.2.2 Areas of New Development: Each co-permittee shall utilize a comprehensive master planning process to develop, implement, and enforce controls which will reduce, to the MEP, the discharge of pollutants from areas of new development and significant redevelopment after construction is completed. The City of Little Rock will require permanent controls, as required by the Little Rock Code of Ordinances, to be implemented at newly developed areas to control the increased volume of water that will be discharged.
- The co-permittees shall notify construction sites disturbing (clearing, grading, or other construction activities) 1 or more acres within their MS4 boundary of the requirement to develop a Stormwater Pollution Prevention Plan (SWPPP) complying with the permit and to install and maintain erosion and sediment control for the site. The co-permittees shall also notify sites that are over 5 acres of the requirements to submit a Notice of Intent (NOI), permit fee and SWPPP to the Arkansas Department of Environmental Quality.
- 6.2.3 Roadways: Each co-permittee shall operate and maintain public streets, roads, and highways for which they are responsible in a manner so as to reduce, to the Maximum Extent Practicable (MEP), the discharge of pollutants. The Arkansas State Highway and Transportation Department will sweep all State Highway routes within the City of Little Rock on which curbs and barrier walls are provided once per month. The City of Little Rock will sweep the Central Business District three times a week, one hundred fifty (150) miles of arterial street on which curbs and barrier walls are provided once per week, and the balance of the arterial streets on a monthly basis. Each co-permittee will keep records which will include the number of sweeper units used, amount of debris collected (weight or volume), and problem areas which contribute the highest volume of debris. The annual report shall contain the above information.
- 6.2.4 Flood Control Projects: Each co-permittee shall ensure any flood control project it undertakes assesses, and minimizes to the MEP, the impacts on water quality of receiving waters. All flood control projects will be reviewed by the City of Little Rock. The annual report shall contain a summary of any flood control projects that were reviewed during the reporting period.

- 6.2.5 Pesticide, Herbicide, and Fertilizer Application: The co-permittees shall implement BMPs to reduce the contribution of pollutants associated with the application, storage, and disposal of pesticides, herbicides and fertilizers from municipal areas and activities to MS4s. Important municipal areas and activities include municipal facilities, public rights-of-way, parks, recreational facilities, golf courses, cemeteries, botanical or zoological gardens and exhibits, landscaped areas, etc. Such BMPs shall include, at a minimum: (1) educational activities, permits, certifications and other measures for municipal applicators and distributors; (2) integrated pest management measures that rely on non-chemical solutions; (3) the use of native vegetation; (4) schedules for irrigation and chemical application; and (5) the collection and proper disposal of unused pesticides, herbicides, and fertilizers. All commercial applicators of pesticides, herbicides, and fertilizers under contract with each co-permittee within the City of Little Rock must be licensed by the Arkansas State Plant Board. The proper utilization of pesticides, herbicides and fertilizers is addressed in the City of Little Rock Vegetative Management Plan. The annual report shall contain a summary of any activities associated with pesticide, herbicide and fertilizer application.
- 6.2.6 Illicit Discharges and Improper Disposal: The City of Little Rock shall implement an ongoing program to detect and remove illicit discharges and improper disposal into the storm sewer. The City of Little Rock will continue to monitor for dry weather flows. The type of monitoring and findings shall be included in the annual report submitted to the Department.
- 6.2.6.1 The following categories of non-stormwater discharges are not prohibited unless the City of Little Rock or the Department identifies the discharge category as a significant source of pollutants to Waters of the State. For such a discharge category, the City of Little Rock shall either prohibit the discharge category or develop and implement appropriate control measures to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) and report to the Department.
- a. water line flushing;
  - b. landscape irrigation;
  - c. diverted stream flows;
  - d. rising ground waters;
  - e. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;
  - f. uncontaminated pumped ground water;
  - g. discharges from potable water sources;
  - h. foundation drains;
  - i. air conditioning condensate;
  - j. irrigation water;
  - k. springs;
  - l. water from crawl space pumps;
  - m. footing drains;
  - n. lawn watering;
  - o. individual residential car washing;
  - p. flows from riparian habitats and wetlands;
  - q. dechlorinated swimming pool discharges; and
  - r. street wash waters.

Within 12 months from the effective date of this permit, the co-permittees shall evaluate and determine if any of the above items are a significant source of pollutants into the storm sewer system. If it is determined that one of the above is contributing to a stream an pollutant that the Department has determined that the stream is impaired for, the co-permittee must submit a request to remove the item from 6.2.6.1 and include it in 6.2.6.3 within 18 months from the effective date of this permit.

- 6.2.6.2 Emergency fire fighting flows (i.e., flows necessary for the protection of life or property) do not require BMPs. Each co-permittee shall develop and implement a program to reduce pollutants from non-emergency fire fighting flows (i.e., flows from controlled or practice blazes and maintenance activities) identified by the co-permittee to be significant sources of pollutants to Waters of the State.
- 6.2.6.3 Prohibit all identified illicit discharges not otherwise allowed pursuant to section (non-stormwater) including but not limited to:
- a. Sewage;
  - b. Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
  - c. Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;
  - d. Discharges of runoff from material storage areas containing chemicals, fuels, grease, used motor oil, or other hazardous materials;
- 6.2.6.4 The annual report shall include a list of illicit discharges that were found during the reporting period. This list shall include the following information at a minimum:
- a. the number of discharges;
  - b. the nature of the discharge; and
  - c. the outcome
- 6.2.7 Spill Prevention and Response: Each co-permittee shall implement a program to prevent, contain, and respond to spills that may discharge into the MS4. The co-permittees will have supervisory personnel trained for methods of containing spills. The Arkansas Department of Environmental Quality is to be notified immediately after a spill occurs. The criteria for containing and controlling a spill shall be addressed in the Stormwater Quality Management Program. The annual report shall include a summary of any spills and their appropriate responses that occurred within the reporting period.
- 6.2.8 Municipal Operations, Industrial & High Risk Runoff: The City of Little Rock shall inspect municipal areas and activities.
- 6.2.8.1 At a minimum, the City of Little Rock shall inspect the following high priority municipal areas and activities annually to ensure that any water issues or potential issues are corrected:

- a. Roads, Streets, Highways, and Parking Facilities.
  - b. Flood Management Projects and Flood Control Devices.
  - c. Areas and activities tributary to a CWA section 303(d) impaired water body segment, where an area or activity generates pollutants for which the water body segment is impaired.
  - d. Municipal Facilities:
    - i. Active or closed municipal landfills;
    - ii. Publicly owned treatment works (including water and wastewater treatment plants) and sanitary sewage collection systems;
    - iii. Solid waste transfer facilities;
    - iv. Land application sites;
    - v. Corporate yards including maintenance and storage yards for materials, waste, equipment and vehicles; and
    - vi. Household hazardous waste collection facilities.
  - e. Municipal airfields.
  - f. Parks and recreation facilities.
  - g. Special event venues following special events (festivals, sporting events, etc.)
  - h. Other municipal areas and activities that the City of Little Rock determines may contribute a significant pollutant load to the MS4.
- 6.2.8.2 Other municipal areas and activities shall be inspected as needed.
- 6.2.8.3 Based upon site inspection findings, the City of Little Rock shall implement all follow-up actions necessary to comply with this permit.
- 6.2.8.4 A copy of the inspections and any subsequent follow up information shall be maintained as a part of the permanent records for this permit. These reports shall be made available to the Department upon Department request.
- 6.2.8.5 A summary of the inspections and any subsequent follow-up shall be included in the annual report for the current reporting year, i.e. any inspections conducted during 2011 would be included in the 2011 annual report.
- 6.2.8.6 Co-Permittee must track instances of MS4 non-compliance either in hard-copy files or electronically. The tracking-system should summarize inspection results by chronic violators and include incentives, disincentives, or an increased inspection frequency at the operator's site.
- 6.2.9 Construction Site Runoff: Each co-permittee shall implement a program to reduce, to the MEP, the discharge of pollutants from construction sites, including:
- 6.2.9.1 Requirements for the use and maintenance of appropriate structural and nonstructural best management practices to reduce pollutant discharges to the MS4 during the time construction is underway;
  - 6.2.9.2 procedures for site planning which incorporate considerations for potential short and long term water quality impacts and minimizes, to the MEP, these impacts;
  - 6.2.9.3 inspection of construction sites and enforcement of control measures. The City of Little Rock will develop an inspection program which will include the inspection of at least two construction sites every two weeks. If the construction site is out of compliance with the conditions of the grading permit, a report describing the violation(s) and deadlines to correct the violation(s) shall be provided to the construction site permittee;

- 6.2.9.4 notification to building permit applicants of the NPDES permitting program for construction site runoff;
- 6.2.9.5 All new development meeting the threshold requirements of Chapter 29 of the Little Rock Code of Ordinances will obtain a grading permit from the City of Little Rock. Grading permit applicants shall demonstrate that best management practices and controls will be implemented at proposed development sites to limit potential soil loss to no more than 5 tons per acre per year.
- 6.2.9.6 A quarterly report shall be submitted to the Department that contains the number of grading permits issued during the quarter, the name and number of projects that have been inspected during the quarter, the actions that have occurred based upon the inspection. This report shall also indicate what triggered the inspection, was it complaint based, was it based upon the inspection requirement in Part 6.2.9.3, etc.
- 6.2.9.7 The annual report will include the number of permits issued, the total permitted acres of disturbed soil, and management practices which were used to achieve compliance with the 5 tons/ per acre per year soil loss tolerance. In addition, AHTD will continue to develop and make available standard details, specifications, and/or manuals identifying acceptable Best Management Practices that must be used on AHTD projects at construction sites which have more than one acre of disturbed soil, and the City of Little Rock will continue to develop and make available standard details, specifications, and/or manuals identifying acceptable Best Management Practices that must be used at construction sites in accordance with the requirements of Chapter 29 of the Little Rock Code of Ordinance.
- 6.2.9.8 Each co-permittee shall develop and implement a procedure for pollutants of concern to be identified for each project. The procedure shall address, at a minimum:
- a. Receiving water quality (including pollutants for which receiving waters are listed as impaired under CWA section 303(d));
  - b. Land use type of the Development Project and pollutants associated with that land use type; and
  - c. Pollutants expected to be present on site.
- 6.2.9.9 Low Impact Development (LID). Each co-permittee **should consider implementing** LID BMPs which will collectively minimize directly connected impervious areas and promote infiltration.

The following LID BMPs listed below should be considered at all Priority Development Projects where applicable and feasible. If any LID BMPs are implemented, then they need to be listed in the annual report.

- a. Conserve natural areas, including existing trees, other vegetation, and soils.
- b. Construct streets, sidewalks, or parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised.
- c. Minimize the impervious footprint of the project.
- d. Minimize soil compaction.
- e. Minimize disturbances to natural drainages (e.g., natural swales, topographic depressions, etc.)

6.2.10 Source Identification. The City of Little Rock shall update a watershed-based inventory of all industrial and commercial sites/sources within its jurisdiction (regardless of ownership) that could contribute a significant pollutant load to the MS4 at least once every two years. The inventory shall include the following minimum information for each industrial and commercial site/source: name; address; pollutants potentially generated by the site/source (and identification of whether the site/source is tributary to a Clean Water Act section 303(d) water body segment and generates pollutants for which the water body segment is impaired); and a narrative description including SIC codes which best reflects the principal products or services provided by each facility. The use of an automated database system, such as Geographical Information System (GIS) is highly recommended.

6.2.10.1 At a minimum, the following sites/sources shall be included in the inventory:

- a. Commercial Sites/Sources:
  - i. Automobile repair, maintenance, fueling, or cleaning;
  - ii. Airplane repair, maintenance, fueling, or cleaning;
  - iii. Equipment repair, maintenance, fueling, or cleaning;
  - iv. Automobile and other vehicle body repair or painting;
  - v. Retail or wholesale fueling;
  - vi. Nurseries and greenhouses;
  - vii. Golf courses, parks and other recreational areas/facilities;
  - viii. Portable sanitary services; and
  - ix. Animal facilities.
- b. Industrial Sites/Sources:
  - i. Industrial Facilities, as defined at 40 CFR § 122.26(b)(14), including those subject to the General Industrial Permit or other individual NPDES permit;
  - ii. Operating and closed landfills; and
  - iii. Hazardous waste treatment, disposal, storage and recovery facilities.
- c. All other commercial or industrial sites/sources tributary to a CWA Section 303(d) impaired water body segment, where the site/source generates pollutants for which the water body segment is impaired.
- d. All other commercial or industrial sites/sources that the City of Little Rock determines may contribute a significant pollutant load to the MS4.

6.2.10.2 BMP Implementation

- a. The City of Little Rock shall require the use of pollution prevention methods by industrial and commercial sites/sources, where appropriate.
- b. Within the first three years of implementation of the updated SWQMP occurring no later than 4 years from the effective date of this permit, the City of Little Rock shall notify the owner/operator of each inventoried industrial and commercial site/source of the BMP requirements applicable to the site/source.
- c. The City of Little Rock shall implement, or require the implementation of, the designated minimum BMPs and any additional measures necessary to comply with this permit at each industrial and commercial site/source within its jurisdiction.
- d. The City of Little Rock shall implement, or require implementation of, additional



controls for industrial and commercial sites/sources tributary to the current 303(d) listed impaired water body segments (where a site/source generates pollutants for which the water body segment is impaired) as necessary to comply with this permit.

6.2.10.3 Enforcement of Industrial and Commercial Sites/Sources. The City of Little Rock shall enforce its stormwater ordinance for all industrial and commercial sites/sources as necessary to maintain compliance with this permit. Any ordinances or other regulatory mechanisms shall include appropriate sanctions to achieve compliance. Sanctions shall include the following or their equivalent: Non-monetary penalties, fines, bonding requirements, and/or permit denials for non-compliance.

6.2.10.4 Reporting of Industrial Non-Filers. As part of each Annual Report, the City of Little Rock shall report a list of industrial sites, including the name, address, and SIC code, that may require coverage under the Industrial Stormwater General Permit for which a NOI has not been filed.

6.2.11 Public Education: The co-permittees shall implement a public education program to measurably increase the knowledge of the target communities regarding MS4s, impacts of urban runoff on receiving waters, and potential BMP solutions for the target audience and to measurably change the behavior of target communities and thereby reduce pollutant releases to MS4s and the environment.

- 6.2.11.1 At a minimum, the education program shall meet the requirements of this section and address the following target communities:
- a. Municipal Departments and Personnel-City of Little Rock and AHTD
  - b. Construction Site Owners and Developers-City of Little Rock and AHTD
  - c. Industrial Owners and Operators-City of Little Rock
  - d. Commercial Owners and Operators-City of Little Rock
  - e. Residential Community, General Public, and School Children-City of Little Rock

Target Audience	Topic of Education		
Municipal Departments and Personnel	Spill Response, containment and recovery	Good Housekeeping	Preventative Maintenance
Construction Site Owners and Developers	NPDES Construction Stormwater Requirements	BMP installation and maintenance	Methods to minimize impact of land development
Industrial Owners and Operators	NPDES Industrial Stormwater Requirements	Illicit Discharge Detection and Elimination	Practical Application of BMPs
Commercial Owners and Operators	Pest Management	Illicit Discharge Detection and Elimination	Proper waste disposal (landscaping waste, e-waste, garbage)
Residential Community, General Public and School Children	Differences between sanitary sewer and storm sewer	Proper waste disposal (Pet waste, garbage, yard waste, etc.)	Impact of residential car washing

#### 6.2.11.2 Specific Requirements

- a. Municipal Departments and Personnel Education and Municipal Development Planning – Each co-permittee shall implement an education program so that its planning and development review staffs (and Planning Boards and Elected Officials, if applicable) have an understanding of:
  - i. Federal, state, and local water quality laws and regulations applicable to water quality;
  - ii. The connection between land use decisions and short and long-term water quality impacts (i.e., impacts from land development and urbanization);
  - iii. How to integrate LID BMP requirements into the local regulatory program(s) and requirements; and
  - iv. Methods of minimizing impacts to receiving water quality resulting from development, including:
    - A. Stormwater quality management plan development and review;
    - B. Methods to control downstream erosion impacts;
    - C. Identification of pollutants of concern;
    - D. LID BMP techniques;
    - E. Source control BMPs; and
    - F. Selection of the most effective treatment control BMPs for the pollutants of concern.
- b. Municipal Construction Activities – Each co-permittee shall implement an education program that includes annual training prior to the rainy season so that its construction, building, code enforcement, and grading review staffs, inspectors, and other responsible construction staff have, at a minimum, an understanding of the following topics, as appropriate for the target audience:
  - i. Federal, state, and local water quality laws and regulations applicable to construction and grading activities.
  - ii. The connection between construction activities and water quality impacts (i.e., impacts from land development and urbanization and impacts from construction material such as sediment).
  - iii. Proper implementation of erosion and sediment control and other BMPs to minimize the impacts to receiving water quality resulting from construction activities.
  - iv. The co-permittee's inspection, plan review, and enforcement policies and procedures to verify consistent application.
  - v. Current advancements in BMP technologies.
  - vi. SWQMP Requirements including treatment options, LID BMPs, source control, and applicable tracking mechanisms.
- c. Municipal Industrial/Commercial Activities - Each co-permittee shall train staff responsible for conducting stormwater compliance inspections and enforcement of industrial and commercial facilities at least once a year. Training shall cover inspection and enforcement procedures, BMP implementation, and reviewing monitoring data.
- d. Municipal Other Activities – The City of Little Rock shall implement an education program so that personnel and contractors performing activities which generate pollutants have an understanding of the activity specific BMPs for each activity to be performed.

- e. Residential Community, General Public and School Children – Based on the information reported in annual report for 6.2.3 of the previous year, the City of Little Rock must specifically target a ward with educational opportunities for the proper disposal of waste.
- f. Contractors and Developers - The City of Little Rock will conduct an annual training workshop for contractors and developers which will address Best Management Practices;

6.2.11.3 Co-permittee educational programs shall emphasize underserved target audiences, high-risk behaviors, and “allowable” behaviors and discharges, including various ethnic and socioeconomic groups and mobile sources.

6.2.11.4 A summary of events, activities, workshops, etc that is required under 6.2.11.1-6.2.11.3 shall be included in the annual report. This information shall also contain at a minimum the following:

- a. The number of activities held;
- b. the type of activity;
- c. the target audience;
- d. the topic covered; and
- e. the number of participants.

6.3 Roles and Responsibilities. The SWQMP shall clearly identify the following roles and responsibilities of each co-permittee:

6.3.1 Operational jurisdiction over portions of the MS4;

6.3.2 Legal jurisdiction over areas contributing stormwater flows to the MS4;

6.3.3 Each co-permittee’s responsibilities for ensuring implementation of SWQMP components.

6.4 Monitoring and Reporting Requirements

6.4.1 Representative Monitoring: Monitoring shall be conducted on representative outfalls, internal sampling stations, and/or in-stream monitoring locations to characterize the quality of stormwater discharges from the Municipal Separate Storm Sewer System.

6.4.1.1 Monitoring Requirements and Locations are described on Part 1 of the permit.

6.4.1.2 Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the Director in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the Director, use of the alternate monitoring location may commence 30 days from the date of the request.

6.4.2 Storm Event Data: Quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. Records shall be maintained of all analytical results, the date and duration of the storm event sampled: rainfall measurements or estimates of the storm event which generated the sampled runoff; the duration between storm events sampled and the end of the previous measurable storm event; and an estimate of the total volume of the discharge sampled.

6.4.3 Sample Type, Collection, and Analysis

- 6.4.3.1 Grab Samples: Grab Samples shall be taken during the first two hours of discharge.
- 6.4.3.2 Representative Storm Events: Samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable storm event.
- 6.4.4 Seasonal Loadings and Event Mean Concentrations: Data shall be maintained to provide estimates for each major outfall of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters which the co-permittees must monitor. This information may be estimated from the monitoring results and shall take into consideration land uses and drainage areas for the outfall.
- 6.5 Legal Authority - The co-permittees shall have, on the effective date of the permit, legal authority to control discharges to and from those portions of the MS4 over which it has jurisdiction. Each Permittee shall include a statement certified by its chief legal counsel that the co-permittee has taken the necessary steps to obtain and maintain full legal authority to implement and enforce each of the requirements contained in 40 CFR 122.26(d)(2)(i)(A-F) and this permit. This statement shall include:
  - 6.5.1 Authority to Prohibit Illicit Discharges
  - 6.5.2 Allowable Non-Stormwater Discharges
  - 6.5.3 Authority to Prohibit Spills or Other Releases
  - 6.5.4 Authority to Require Compliance
  - 6.5.5 Authority to Require Installation, Implementation, and Maintenance of Control Measures
  - 6.5.6 Authority to Receive and Collect Information
  - 6.5.7 Authority to Inspect
  - 6.5.8 Response to Violations
  - 6.5.9 Monetary Penalties
  - 6.5.10 Civil/Criminal Penalties
  - 6.5.11 Interagency Agreements – Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements or other similar agreements with other owners of the MS4.
- 6.6 SWQMP Resources - Each co-permittee shall report annually the finances, number of staff, type and amount of equipment, and support capabilities to implement the stormwater quality management program. In addition, each co-permittee must document and explain changes to budgets from year to year and describe how each type of funding can and cannot be used for stormwater program activities. This must be submitted to the Department on a yearly basis as part of the annual report.
- 6.7 SWQMP Review and Modification
  - 6.7.1 Program Review: The co-permittees shall participate in an annual review of the current SQWMP in conjunction with preparation of the annual report required under 6.2.12. This annual review shall include:
    - 6.7.1.1 A review of the status of program implementation and compliance (or non-compliance) with all schedules of compliance contained in this permit;
    - 6.7.1.2 An assessment of the effectiveness of controls established by the SWQMP;
    - 6.7.1.3 A review of monitoring data and any trends in estimated cumulative annual pollutant

loadings; and

- 6.7.1.4 An assessment of any SWQMP modifications needed to comply with the CWA 402 (p)(3)(B)(iii) requirement to reduce the discharge of pollutant to the Maximum Extent Practicable (MEP).
- 6.8 Implementation Process. As part of the SWQMP, each co-permittee shall implement a process to verify compliance with SWQMP requirements. The process shall include identification of the roles and responsibilities of various municipal departments in implementing the SWQMP requirements, as well as any other measures necessary for the implementation of SWQMP requirements.
- 6.9 Program Modification: The approved SWQMP shall not be modified by the co-permittees without the prior approval of the Director, unless in accordance with the items below:
- 6.9.1 Portions of the SWQMP not specifically required by 6.2 may be modified upon written notification to the permitting authority.
  - 6.9.2 Modifications adding (but not subtracting or replacing) components, controls, or requirements to the approved SWQMP may be made by the co-permittees at any time upon written notification to the permitting authority.
  - 6.9.3 Modifications made under this paragraph shall not become enforceable permit conditions until such time as the modifications are formally approved.
  - 6.9.4 Modification requests and notifications shall be signed and shall include a certification that the co-permittees were given an opportunity to comment on proposed changes.
- 6.10 Modifications Required by the Permitting Authority:
- 6.10.1 The co-permittees must review and revise the City of Little Rock and Arkansas State Highway and Transportation Department SWQMP to ensure compliance with the requirement to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) as contained in Section 402(p)(3)(B)(iii) of the Clean Water Act. Specifically, the co-permittees must review and revise the SWQMP sections regarding construction site runoff and public education. The co-permittees shall conduct a review of the current SWQMP and shall revise the SWQMP to include additional BMPs regarding public education and construction site runoff particularly, these revisions will include notification of ADEQ's NPDES permitting program to construction sites, institute an employee education program, increase public education, increase the frequency of construction site inspections, and notify ADEQ Enforcement Section of construction sites that do not have erosion controls installed. The co-permittees shall submit to ADEQ their suggested revisions to the SWQMP within eleven (11) months following the effective date of the permit.
  - 6.10.2 The permitting authority may require the co-permittees to modify the SWQMP as needed to:
    - 6.10.2.1 Address contributions by the MS4 discharges to impacts on receiving water quality;
    - 6.10.2.2 Include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or
    - 6.10.2.3 Include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act.

6.10.3 Modifications requested by the Director shall be made in writing, set forth the time schedule for the co-permittees to develop the modification(s), and offer the co-permittees the opportunity to propose alternative program modifications to meet the objective of the requested modification.

6.11 Annual Report - Each co-permittee shall contribute to the preparation of an annual system-wide report to be submitted by April 1 of each year between the effective date of the permit and the date of expiration. The report shall be in the form as outlined in the SWQMP and shall include the following separate sections, with an overview for the entire MS4 and subsections for the co-permittees where applicable.

- 6.11.1 Proposed changes to the stormwater quality management programs that are established as permit conditions, including an update on areas added to the MS4 due to annexation or other legal means;
- 6.11.2 Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under 40 CFR 122.26 (d)(2)(v) and 40 CFR 122.26 (d)(2)(vi);
- 6.11.3 A summary of the data, including monitoring data, that is accumulated throughout the reporting year;
- 6.11.4 Estimated annual expenditures and projected budget for the year following each annual report.
- 6.11.5 A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
- 6.11.6 Identification of water quality improvements or degradation.

Preparation and submittal of a system-wide annual report shall be conducted by the co-permittees. The report shall indicate if the co-permittees have failed to provide required information on the portions of the MS4 for which they are responsible. The co-permittees shall be responsible for timely submittal of the system-wide report. Each co-permittee shall be responsible for content of the report relating to the portions of the MS4 for which it is responsible, and for failure to provide information for the system-wide annual report. Each co-permittee shall sign and certify their portion of the annual report.

- 6.11.7 The annual information required by 6.1.1 and 6.1.2.
- 6.11.8 Information for Structural Controls as required by 6.2.1.
- 6.11.9 Information for Areas of New Development as required by 6.2.2.
- 6.11.10 Information for Roadways as required by 6.2.3.
- 6.11.11 Information for Flood Control Projects as required by 6.2.4
- 6.11.12 Information for Illicit Discharges and Improper Disposal as required by 6.2.6.1 and 6.2.6.4.
- 6.11.13 Information for Spill Prevention and Response as required by 6.2.7.
- 6.11.14 Information for Industrial High Risk Runoff as required by 6.2.8.
- 6.11.15 Information for Construction Site Runoff as required by 6.2.9.7.
- 6.11.16 Information for Education as required by 6.2.11.4.
- 6.11.17 An update on Roles and Responsibility if applicable.
- 6.11.18 Monitoring and Reporting Requirements as required by 6.4.
- 6.11.19 An update on Legal Authority if applicable.
- 6.11.20 An update on SWQMP Resources if applicable.
- 6.11.21 An update on SWQMP Review per 6. for 6.7 and 6.8.

6.12 Limitations on Coverage. The following discharges are not authorized by this permit:

- 6.12.1 Non-stormwater: stormwater discharges that are mixed with non-stormwater or stormwater associated with industrial activity except where such discharges are:
  - 6.12.1.1 in compliance with a separate NPDES permit;
  - 6.12.1.2 or identified by and in compliance with 6.2.6 of this permit.
  
- 6.12.2 Stormwater discharges whose direct, indirect, interrelated, interconnected, or interdependent impacts would adversely impact, but not jeopardize, a listed or proposed endangered or threatened species may be authorized under this permit provided the co-permittees are in compliance with an incidental take permit issued by the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service pursuant to Section 10(a) of the Endangered Species Act.
  
- 6.12.3 Stormwater discharges, or the construction or implementation of stormwater management controls, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the co-permittees are in compliance with requirements of the National Historic Preservation Act and has coordinated any necessary activities to avoid or minimize impacts with the Arkansas State Historic Preservation Program.

## Part 7 Definitions

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

- 7.1 **“Act”** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
- 7.2 **“Administrator”** means the Administrator of the U.S. Environmental Protection Agency.
- 7.3 **“Applicable effluent standards and limitations”** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
- 7.4 **“Applicable water quality standards”** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303 (a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas.)
- 7.5 **“Appropriateness”** means how appropriate the Best Management Practices (BMPs) were in addressing the pollutants in the stormwater discharges.
- 7.6 **“ADEQ”** means the Arkansas Department of Environmental Quality.
- 7.7 **“Best-Management Practices”** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP’s also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 7.8 **“Co-permittee”** is defined as a permittee to a NPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator.
- 7.9 **“Department”** means the Arkansas Department of Environmental Quality (ADEQ).
- 7.10 **“Director”** means the Administrator of the U.S. Environmental Protection Agency and/or the Director of the Arkansas Department of Environmental Quality.
- 7.11 **“Discharge”** refers to discharges from the Municipal Separate Storm Sewer System (MS4) located within the boundaries of the city of Little Rock, Arkansas.
- 7.12 **“Flow-weighted composite sample”** means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
- 7.13 **“Grab sample”** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
- 7.14 **“Illicit connection”** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- 7.15 **“Illicit discharge”** is defined as any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities.



- 7.16 **“Large or medium municipal separate storm sewer system”** is defined at 40 CFR 122.26(b)(4)&(7).
- 7.17 **“National Pollutant Discharge Elimination System”** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the Clean Water Act.
- 7.18 **“Maximum Extent Practicable” or “MEP”** is the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by CWA 402(p).
- 7.19 **“Monitoring and Reporting”** When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is Monthly or more frequently, the Discharge Monitoring Report shall be submitted by the 25<sup>th</sup> of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the Discharge Monitoring report shall be submitted by the 25<sup>th</sup> of the month following the monitoring period end date.
- 7.20 **“MONTHLY”** is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.
- 7.21 **“MS4”** is an acronym for “Municipal Separate Storm Sewer System” and is used to refer to the Storm Sewer System located within the boundaries of the city of Little Rock, Arkansas.
- 7.22 **“Point Source”** means any discernable, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.
- 7.23 **“Proper disposal”** disposal of wastes in a manner which does not violate a federal, state, or local requirement.
- 7.24 **“Quarter”** means a three month calendar period (January-March, April-June, July-September, October-December).
- 7.25 **“QUARTERLY”** (1) is defined as a fixed calendar quarter or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or (2) is defined as a fixed three month period (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not does not coincide with the fixed calendar quarter. Seasonal calendar quarters May through July, August through October, November through January, and February through April.
- 7.26 **“SEMI-ANNUAL”** is defined as the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months or twice/year.
- 7.27 **“Significant contributor of pollutants”** means any discharge that causes or could cause or contribute to a violation of surface water quality standards.
- 7.28 **“Storm Sewer”** refers to a municipal separate storm sewer.
- 7.29 **“Stormwater”** means stormwater runoff, snow melt runoff, and surface runoff and drainage.
- 7.30 **“Stormwater Quality Management Program” or “Program”** refers to a comprehensive program to manage the quality of stormwater discharged from the

- municipal separate storm sewer system.
- 7.31 **“The term “MGD”** shall mean million gallons per day.
- 7.32 **“The term “mg/l”** shall mean milligrams per liter or parts million (ppm).
- 7.33 **“The term “µg/l”** shall mean micrograms per liter or parts per billion (ppb).
- 7.34 **“The term “cfs”** shall mean cubic feet per second.
- 7.35 **“The term “ppm”** shall mean part per million.
- 7.36 **“The term “s.u.”** shall mean standard units.
- 7.37 **“Yearly or Annual”** is defined as a fixed calendar year or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.

## FACT SHEET

for re-issuance of draft Individual Stormwater NPDES Permit Number ARS000002 to discharge to Waters of the State

### 1. PERMITTING AUTHORITY.

The issuing office is:

Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118

### 2. APPLICANT.

The applicants (co-permittees) are:

City of Little Rock  
701 West Markham  
Little Rock, AR 72201

Arkansas State Highway &  
Transportation Department  
P.O. Box 2261  
Little Rock, AR 72203-2261

### 3. PREPARED BY.

The permit was prepared by:

Jamal Solaimanian, P.E.  
Engineer Supervisor, Permits Section  
Water Division

### 4. DATE PREPARED.

The permit was prepared on March 14, 2011.

### 5. PREVIOUS PERMIT ACTIVITY.

Effective Date: September 1, 2005  
Expiration Date: August 31, 2010

The City of Little Rock and the Arkansas State Highway & Transportation Department submitted a permit renewal application on February 17, 2010. It is proposed that the current Individual Stormwater NPDES permit be reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

## 6. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT.

The co-permittees are responsible for carefully reading the permit in detail and becoming familiar with all of the changes therein:

- 6.1 Parts 3-5 have been renumbered and updated to reflect the most current information.
- 6.2 Part 3.12 has been added to include applicable Federal, State & other local requirements.
- 6.3 Sampling requirements for CBOD5 has been removed from the permit.
- 6.4 Sampling requirements for Total Nitrogen has been removed from the permit.
- 6.5 Additional requirements have been added to Part 6 in regards to the SWQMP annual reporting. The new reporting requires that City of Little Rock provide the current capacity and design capacity of the ponds located within the War Memorial Park and along the Coleman Creek in order to ensure that the ponds are being operated with available capacity to reduce capacity.
- 6.6 A requirement has been added to Part 6.2.1.3 to require a status update on the current capacity of the ponds at War Memorial Park and along Coleman Creek.
- 6.7 The bacteria study requirement has been removed from the SWQMP requirements. The study was complete and final report was submitted to the Department for review. The results of the study were also presented to the Department during a presentation. The result of the study did not establish the exact source contributing to the bacteria. The third party conducting the study indicated the only way they could pin point the exact source was to conduct a DNA and Genetic research. City of Little Rock like most other municipality is currently under financial stress. The DNA and Genetic research would be very costly to the City of Little Rock. Therefore, after, reviewing the report, the Department made a decision to remove the requirement for additional study. The Department believes the money saved from removing the study requirements can be used for education and implementation of additional of BMPs.
- 6.8 A requirement that sites less than one acre be notified of stormwater requirements has been added.
- 6.9 Additional language has been added to the pesticides portion of the SWQMP due to new regulations regarding pesticide application.
- 6.10 A requirement has been added to ensure that the co-permittees determine if allowable non-stormwater discharges are causing a significant impact on the receiving waters.
- 6.11 A requirement has been added that the City of Little Rock inspect high priority municipal areas to ensure that any stormwater problems are corrected at the source.

- 6.12 Language has been included to require that the City of Little Rock provide quarterly reports to the Department on the issuance of grading permits, inspections and results of the inspections.
- 6.13 A requirement has been added to ensure that the co-permittees develop and implement a procedure for identifying pollutant of concern.
- 6.14 Language requiring the City of Little Rock to develop a watershed based inventory of industrial and commercial sites within its jurisdiction has been included.
- 6.15 Additional language has been added to include education requirements on the impacts of stormwater.
- 6.16 Specific language has been included to address education of co-permittees staff.
- 6.17 Language requiring both co-permittees legal counsel to certify that the co-permittees have obtained and will maintain full legal authority to implement and enforce the permit requirements.
- 6.18 The title of Stormwater Management Program (SWMP) has been replaced with Stormwater Quality Management Program (SWQMP) to accurately reflect what the co-permittees have named the program.

**7. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.**

The following is a detailed description of the location of the discharge described in the application:

From all portions of the Municipal Separate Storm Sewer System (MS4) within the city boundaries of Little Rock, Arkansas, and owned or operated by any co-permittees listed above.

The representative outfalls for sampling purposes are located at the following coordinates:

- Outfall 001: Latitude: 34° 44' 30"; Longitude: 92° 20' 30"
- Outfall 002: Latitude: 34° 43' 30"; Longitude: 92° 21' 30"
- Outfall 003: Latitude: 34° 45' 15"; Longitude: 92° 26' 00"
- Outfall 005: Latitude: 34° 44' 00"; Longitude: 92° 14' 30"
- Outfall 006: Latitude: 34° 42' 00"; Longitude: 92° 15' 36"

To receiving waters named:

Outfalls	Latitude	Longitude	Receiving Waters
Outfall 001	34°44'30"	92°20'30"	Unnamed ditch, thence to Coleman Creek, thence to Fourche Creek, thence to the Arkansas River
Outfall 002	34°43'30"	92°21'30"	Rock Creek, thence to Fourche Creek, thence to the Arkansas River
Outfall 003	34°45'15"	92°26'00"	Rock Creek, thence to Fourche Creek, thence to the Arkansas River
Outfall 005	34°44'00"	92°14'30"	Unnamed tributary to Fourche Creek, thence to Fourche Creek, thence to the Arkansas River
Outfall 006	34°42'00"	92°15'36"	Unnamed tributary to Fourche Creek, thence to Fourche Creek, thence to the Arkansas River

The receiving streams are Waters of the State classified for, raw water source for public, industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible used.

**8. 303(d) LIST, ENDANGERED SPECIES, AND ANTI-DEGRADATION CONSIDERATIONS.**

**8.1 303(d) List:**

Fourche Creek is listed on the 2008 303(d) list for Dissolved Oxygen, Pathogens, Siltation, Zinc, Copper, and Beryllium. Based upon review of the DMR data Copper and Zinc will remain as Monitor and Report due to there being detectable levels in the stormwater samples. Dissolved Oxygen will not be added to the permit due to the discharges being stormwater only, thus typically causing an increase in Dissolved Oxygen at the time of discharge. Beryllium was removed from the permit monitoring requirements in 2005 due to non-detect. Pathogens are being handled through the permit's monitoring requirements for E.Coli Bacteria and Enterococcus Fecal. Therefore, no additional monitoring requirements are needed at this time.

**8.2 Endangered Species:**

No comments on the application were received from the U.S. Fish and Wildlife Service (USF&WS). The draft permit and fact sheet will be sent to the USF&WS for their review.

**8.3 Anti-Degradation:**

The limitations and requirements set forth in this permit for discharge into Waters of the State are consistent with the Antidegradation Policy and all other applicable water quality standards found in APC&EC Regulation No. 2.

**9. DESCRIPTION FOR REDUCING POLLUTANTS**

The co-permittees shall update Stormwater Quality Management Program (SWQMP) as needed according to Section 6.2 of the permit.

**10. PERMIT CONDITIONS.**

The Arkansas Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application. Permit requirements are based on NPDES regulations (40 CFR Parts 122, 124, and Subchapter N) and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et. seq.).

a. **Final Effluent Limitations**

Outfalls 001-003, 005 and 006 Stormwater Runoff

Parameters	Reporting Requirements Quarterly		
	Average	Maximum	Type
Flow (MGD)	Report	Report	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Grab
Biochemical Oxygen Demand (mg/l)	Report	Report	Grab
Total Suspended Solids (mg/l)	Report	Report	Grab
Total Dissolved Solids (mg/l)	Report	Report	Grab
Nitrate+Nitrite Nitrogen (mg/l)	Report	Report	Grab
Dissolved Phosphorus (mg/l)	Report	Report	Grab
Oil & Grease (mg/l)	Report	Report	Grab
Total Cadmium (ug/l)	Report	Report	Grab
Total Copper (ug/l)	Report	Report	Grab
Total Lead (ug/l)	Report	Report	Grab
Total Zinc (ug/l)	Report	Report	Grab
Total Silver (ug/l)	Report	Report	Grab
Hardness (mg/l)	Report	Report	Grab
E. Coli Bacteria (colonies/100 ml)	Report	Report	Grab
Enterococcus Fecal (colonies/100 ml)	Report	Report	Grab

Quarterly = June 1 – August 31, September 1 – November 30, December 1- February 28, and March 1 – May 31

**Solids, Foam, and Free Oil:** There shall be no discharge of distinctly visible solids, scum or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits or sludge banks. No visible sheen (Sheen means an iridescent appearance on the surface of the water).

## 11. BASIS FOR PERMIT CONDITIONS.

The following is an explanation of the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons suggesting the tentative decisions as required under 40 CFR 124.8 (48 FR 1413, April 1, 1983).

The requirement for a SWQMP that must reduce pollutants to the Maximum Extent Practicable (MEP) is based on Clean Water Act §402(p)(3)(B)(iii). The requirements for the SWQMP are based on the previous permit and Best Professional Judgement (BPJ).

Monitoring and reporting for BOD5, TSS, TDS, Nitrate + Nitrite Nitrogen, Dissolved Phosphorus, Oil & Grease, E. Coli Bacteria and Enterococcus Fecal have been based on the current NPDES permit, and 40 CFR Part 122.44(l). In addition, to the justification listed above, Total Copper and Total Zinc monitoring and reporting are due to the receiving stream being listed on the 303(d) list as stated in Section 8.1 of the fact sheet.

Total Cadmium, Total Lead, Total Silver, and Hardness have remained in the permit due to indications on the DMRs that the stormwater discharges have the potential at times to be above Water Quality Standards set forth in Reg. 2 and 40 CFR 122.44(l).

The water quality-based limits for pH are based on the current NPDES permit, and 40 CFR Part 122.44(l), and Regulation No. 2 Section 2.504.

## 12. ANTI BACKSLIDING

The draft permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402(o) [40 CFR 122.44(l)]. The final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless the less stringent limitations can be justified using exceptions listed in 40 CFR 122.44(l)(2)(i).

The draft permit maintains the requirements of the previous permit with the exception of removal of CBOD5 and Total Nitrogen. CBOD5 was removed due to the co-permittees sampling of both CBOD5 and BOD5. BOD5 also measure the oxygen demanding substances, therefore eliminating the need to measure CBOD5. Total Nitrogen was removed based on the co-permittees already sampling Nitrate + Nitrite Nitrogen, which is used more commonly in stormwater analysis.

## 13. SCHEDULE OF COMPLIANCE.

The co-permittees shall achieve compliance with permit conditions specified for discharges in accordance with the following schedule:



- 13.1 The Co-permittees shall submit an updated Stormwater Quality Management Program (SWQMP) no later than January 1, 2012.
- 13.2 The 2011 annual report shall contain information on the current capacity of the ponds as discussed in Part 6.2.1.2 as well as include the original capacity of the ponds.
- 13.3 The City of Little Rock shall submit a quarterly report that includes the items required in Part 6.2.9.7.
- 13.4 The co-permittees shall submit an annual report as discussed in Part 6.4.

#### **14. MONITORING REQUIREMENTS.**

Requirements for sample type and sampling frequency for all pollutants are continued from permit No. ARS000002 issued September 2005.

#### **15. SOURCES.**

The following sources were used to draft the permit:

- 15.1 NPDES application No. ARS000002 received February 17, 2010 with additional information received March 2, 2010.
- 15.2 ARS000002 issued in September 2005.
- 15.3 APCEC Regulation No. 2.
- 15.4 APCEC Regulation No. 6.
- 15.5 40 CFRs 122 and 125.
- 15.6 Discharge Monitoring Reports (DMRs).
- 15.7 Fecal Study required by 2005 permit.
- 15.8 Bacteria Study of Select Locations With the City of Little Rock, Terracon Report February 17, 2010.

#### **16. PUBLIC NOTICE.**

The public notice describes the procedures for the formulation of final determinations and shall provide for a public comment period of 30 days. During this period, any interested persons may submit written comments on the permit and may request a public hearing to clarify issues involved in the permitting decision. A request for a public hearing shall be in writing and shall state the nature of the issue(s) proposed to be raised in the hearing.

A copy of the permit and public notice will be sent via email to the Corps of Engineers, the Regional Director of the U.S. Fish and Wildlife Service, the Department of Arkansas Heritage, the EPA, and the Arkansas Department of Health prior to the publication of that notice.

**17. POINT OF CONTACT.**

For additional information, contact:

Jamal Solaimanian, P.E.  
Permits Branch, Water Division  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317  
Telephone: (501) 682-0623